

FIFRAGRAM



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EPA Region III

WE'LL MISS DON, BUT WE WON'T MISS HARRY!

Not an issue has gone by without an EPA staffing change announcement. This particular staff change is a biggy! Don Lott is leaving the Pesticides and Asbestos Programs and Enforcement Branch (PAPEB) to become the Chief of the RCRA Enforcement Branch, effective December 13, 1999. That same day we welcomed Harry Daw as the new Chief of PAPEB.

Harry comes to PAPEB from RCRA Enforcement, where he has been Chief of that branch since June of 1997. Similarly to pesticides and other programs' staffs, RCRA inspectors find violations, and cases are developed by staff who work with EPA attorneys to take enforcement action.

Harry has degrees in Chemical Engineering from the University of Pittsburgh and Widener University. He has been with EPA since 1986, and has experience in a few different EPA programs. Most of his career at EPA has been with the RCRA and Superfund programs, although Harry has also worked in the Water Division's enforcement program, and had the task of starting up the region's lead (Pb) program in 1993.

In joining PAPEB, Harry realizes that he has quite a bit to learn about the programs. He says, "I'm looking forward to the challenges of the pesticides and asbestos programs, and I hope that, from my varied experiences, I can bring value and different perspectives to the programs, too."

The PAPEB staff will surely miss Don and his unique style of management (and habit of eating everything in sight). However, we would like to welcome Harry as our new Chief and plan to work

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closely with him to keep our programs strong.

Finally, why won't we (or you) miss Harry? At well over 6 feet tall, he brings the average height of the FIFRA staff up a few notches. Chad finally has someone he can (literally) look up to. Harry can be reached at 215-814-3244 or daw.harry@epa.gov.

AZINPHOS-METHYL AND METHYL PARATHION USES ELIMINATED AND/OR RESTRICTED

AZINPHOS-METHYL

On August 2, 1999, EPA accepted voluntary measures to reduce both dietary and worker risks from azinphos-methyl, an organophosphate insecticide used on a wide variety of fruits and vegetables. As it is currently registered, azinphos-methyl poses an unacceptable dietary risk to children ages one to six years. It also poses risks of concern to agricultural workers. EPA published a Federal Register notice on December 3rd announcing receipt of requests from the registrants to cancel certain uses of the pesticide azinphos-methyl.

Summary of Risk Reduction Measures for Azinphos-methyl:

Reduce Use on Pome Fruit (Apples, Pears, Quinces and Crabapples): Establish a maximum seasonal use rate and increase the time between application and harvest. Lower the tolerance for pome fruit from 2.0 ppm to 1.5 ppm now and to 1.0 ppm in 2001. (The registrant must demonstrate with comparative residue data that these measures achieve the expected reductions in exposure or additional actions will be taken.)

Cancel Cotton East of the Mississippi River and All Sugarcane Use: These uses appear to be a major factor contributing to drinking water exposure. The registrants also have committed to ground and surface water monitoring programs in sensitive areas.

Cancel Ornamental, Christmas Tree, Forest Tree, and Shade Tree Uses: These cancellations will reduce exposure to affected ecosystems.

Cap Production of Product Available in the U.S.: The cap is intended to prevent use of other pesticides shifting to azinphos-methyl as a result of other actions, such as the cancellation of many uses of methyl parathion.

Reduce Worker Exposure: Increase the length of time that workers must wait before entering a treated field or orchard. All application with

hand-held equipment is prohibited. Closed mixing/loading systems and enclosed cabs are required, as is additional worker exposure testing.

The risk mitigation measures for azinphos-methyl will be in place for the 2000 growing season. As of December 31, 1999, sale or distribution of azinphos-methyl that has not been relabeled is not allowed. Existing stocks of azinphos methyl already in the possession of growers may be used until depleted provided the use is in accordance with the existing label or the August 2, 1999, agreement.

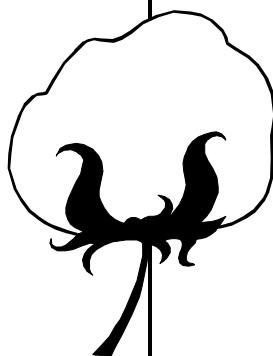
METHYL PARATHION

On October 27, EPA published a Federal Register notice announcing the receipt of voluntary cancellation requests from registrants of methyl parathion products affected by the August 2, 1999 agreement between EPA and the registrants. Effective October 27, any distribution, sale, or use of methyl parathion products will only be permitted if consistent with the terms of the cancellation order set out in the Federal Register (Vol. 64, No. 207, Pages 57877-57881). Existing stocks of the canceled products may be sold until December 1, 1999 and used until December 31, 1999. Canceling the affected crop uses considerably reduces risks to children through food and mitigates some of the risks of concern to workers and non-target species in the environment, such as honeybees. Existing registrations of methyl parathion products are being replaced by new registrations without the uses that are being canceled.

Summary of Risk Reduction Measures for Methyl Parathion:

Maintained methyl parathion uses: alfalfa, almonds, barley, cabbage, canola, corn, cotton, dried beans, dried peas, grass, hops, lentils, oats, onions, pecans, rice, rye, soybeans, sugar beets, sunflower, sweet potatoes, walnuts, wheat, and white potatoes.

Canceled methyl parathion food uses: apples, artichokes, broccoli, brussel sprouts, carrots, cauliflower, celery, cherries, collards, grapes, kale,



kohlrabi, lettuce, mustard greens, nectarines, peaches, pears, plums, rutabagas, spinach, succulent beans, succulent peas, tomatoes, turnips.

Canceled methyl parathion non-food/feed uses: chrysanthemums, daisies, field-grown ornamentals, flowering plants, grasses grown for seed, guayale, jojoba, marigolds, any mosquito larvicide use, nursery stock, non-agricultural land, roadside areas, wasteland.

On December 1, 1999, sale and distribution of all methyl parathion products not labeled in accordance with the MOA is prohibited. After December 31, 1999, use of all methyl parathion products not labeled in accordance with the MOA is prohibited.

More information about the azinphos-methyl and methyl parathion agreements can be found at <http://www.epa.gov/pesticides>. The Federal Register notices are available on EPA's web site at: <http://www.epa.gov/fedrgstr>.

REGION III PARTICIPATES IN NATIONAL PESTICIDE APPLICATOR CERTIFICATION AND TRAINING WORKSHOP

by Clara Fuentes, PAPEB, EPA Region III

Region III certification and training coordinator **Clara Fuentes** attended the National Pesticide Applicator Certification and Training Workshop held in Portland, Maine, August 8 to 11, 1999. The workshop was sponsored by EPA for discussion of national and international perspectives to enhance pesticide applicators certification and training programs.

The topics presented at the meeting addressed the full scope of the program, its history, existing activities, and proposed amendments, as well as updates on other topics related to the program. New initiatives were proposed to update the quality of the pesticide education and safety training programs, to expand training and certification scope to ensure public safety, to establish new and more stringent requirements for certification and recertification of pesticide applicators, to pursue adequate and equitable

funding for the program activities, and improve the efficiency of program organizations and operations.

Participants included other government agencies, regions, industry, state/extension, and international partners. Carol Browner, EPA Administrator, talked about four factors promoting change in EPA: 1) changes in laws and regulations, 2) increased workload, 3) advances in technologies and science, and 4) current stakeholder needs. She also pointed out the need for developing the best feedback mechanism on how to allocate money, and improve communications and partnerships. At present, the Agency is developing relationships with the Health Department and Centers for Disease Control, and is seeking creative alternatives to handle increased workload (i.e., the use of available technologies for communication, information, database, certification/recertification of pesticide applicators, and mapping of endangered species).

The Stakeholder perspective on national initiatives was presented by the following speakers: Tom Delaney, Executive V.P. for the Professional Lawn Care Association of America (PLCAA), Paul Kindinger, President/CEO of Agricultural Retailers Association, and Robert Rosenberg, Director of Government Affairs, National Pest Control Association. They emphasized the need for:

- * more involvement with industry (i.e., sharing of national database information in enforcement cases to avoid repetitive efforts and find repetitive offenders);

- * universality in definitions, enforcement activities, record keeping, and standards (curriculum) for training the trainer;

- * expanding public education and outreach,

- * establishing a national foundation to support pesticide education programs (i.e., investment in mutual funds for national program), and,

- * applying available technologies to promote distance learning, and pursue mandatory actions.

Furthermore, the group suggested adding more problem solving ("trouble shooting") situations to training, and that suggested the program be segmented to address the different needs of its agricultural and urban components.

GAO CONDUCTS AUDIT OF WORKER PROTECTION STANDARD (WPS) PROGRAM

by Magda Rodriguez-Hunt, PAPEB, EPA Region III

In June of 1999 the Government Accounting Office (GAO) initiated an audit, at the request of Senators Waxman (CA), Lantos (CA) and Sanders (VT), of the EPA WPS program. The purpose of the audit was to look at and determine the ability of the WPS to protect children and pregnant women who work in agriculture from exposure to pesticides. The GAO audit also examined the mechanisms or controls currently in place to assure that the requirements of the WPS is being adequately implemented and enforced. As part of the audit, GAO representatives have interviewed Office of Pesticide Programs and Office of Enforcement and Compliance Assurance leadership and staff. Regional pesticide program offices were also interviewed with the Region III teleconference audit taking place on August 25, 1999. In addition, several GAO representatives accompanied Virginia Department of Agriculture and Consumer Services (VDACS) staff in the field to observe actual WPS inspections. GAO expects to have the draft report to the Agency for review and comment by December 16, 1999. A final report is expected to be available by February 2000.

Getting the Word Out....

SAFE PESTICIDE USE PROMOTED ON WDEL RADIO

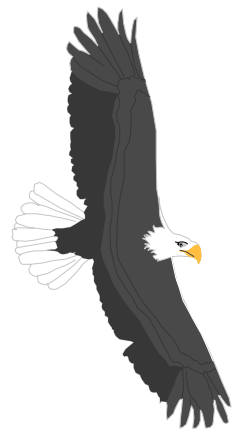
Todd Lutte, EPA's Pesticide Enforcement Coordinator and **Grier Stayton**, Pesticide Compliance Administrator for the Delaware Department of Agriculture, were the featured guests

on WDEL's weekly radio program, *Latin Beat*, which aired on Saturday, November 13, on AM 1150. The primary focus of the one-hour show was to address the issues of safe pesticide use within the home and to discuss some of the issues surrounding the EPA/state urban program designed to prevent the wide-spread misuse of agricultural pesticides indoors for general pest control. Grier and Todd discussed the licensing requirements of legitimate pest control firms as well as the significance of pesticide labels. They took calls from the general public and gave the proper names and numbers of who to contact if they have any questions regarding pesticides. Hector Gomez, Communications Coordinator for the Latin American Community Center, was the host for the program.



EPA REGION III HIGHLIGHTS THE BALD EAGLES' RETURN AT THE PHILADELPHIA HARVEST SHOW

The annual Philadelphia Harvest Show, sponsored by the Pennsylvania Horticultural Society, was held on September 18 & 19 at Fairmount Park. EPA Region III's **Chuck Rogers** and **Todd Lutte** created an exhibit entitled "Back From The Edge", which highlighted the down-listing of the bald eagle from endangered to threatened. The road to decline for the bald eagle was considered to be a result of heavy use of DDT and other chemical contaminants coupled with habitat loss. The banning of DDT in 1972, habitat conservation, captive breeding programs, reintroduction, and education have all led to the recovery of the bald eagle and even more recently to the recovery of the peregrine falcon. During the exhibit, EPA distributed information on pesticides, utilization of native plant species and environmental conservation



through landscaping. The show was attended by 5000 visitors throughout the weekend and the exhibit won a certificate of excellence award for its design and information.

EPA ISSUES SUPPLEMENTAL NOTICE AND ASKS FOR COMMENT ON PESTICIDE CONTAINERS

On October 21, 1999, EPA's Office of Pesticide Programs published a Federal Register notice opening a 60-day comment period on four issues affecting the 1994 proposed rule on containers and containment. The 1994 proposed rule sought to establish standards for the design, care and management of pesticide containers and containment structures. The supplemental notice describes three potential substantive changes to the container standards that EPA is considering for the final rule, and solicits comments on these three issues and one additional issue. The four issues open for public comment are:



- (1) narrowing the scope of the container standards to focus on the pesticides and containers that pose a relatively greater risk;
- (2) implementing the exemption for antimicrobial pesticides as set forth in the Food Quality Protection Act;
- (3) adopting the Department of Transportation (DOT) packaging standards for pesticides that are not considered to be hazardous materials by DOT and;
- (4) defining "small business" in terms of pesticide formulators, dealers and commercial applicators to properly evaluate the economic impact of the final rule on the smallest segments of these industries.

The Federal Register notice (Volume 64, No. 203, Pages 56918-56944) is available on the

Internet at <http://www.epa.gov/fedrgstr/>. The notice explains in detail the four issues, and what EPA is proposing in this supplemental notice. EPA's web sites also include information about the rule, such as a chart that contains a comparison of the approaches in the Proposed Rule and the Supplemental Notice. For example, the narrowing of the standards (issue 1) would exempt low-toxicity pesticides, small volume containers, and pesticides with lower environmental risks. In the antimicrobial exemption (issue 2), most swimming pool chemicals are proposed to be exempt.

The reopened comment period applies only to the four issues listed above. Comments must be received by EPA no later than December 20, 1999. The 1994 proposed rule, the 1999 supplemental notice, and public comments will be used to develop the final rule

WASHINGTON DC: ANOTHER SUCCESSFUL PESTICIDE INSPECTORS' WORKSHOP

EPA Region III, in conjunction with the D.C. Department of Health, hosted the 1999 Pesticide Inspector Workshop. The workshop was attended by 60 inspectors representing all of the Region III states. The week-long event focused on specific inspector training as well as updates on current EPA initiatives surrounding pesticides. Topics for the week included among others: State Updates; Effects of Pesticides in the Environment; IPM in Structures and Schools; 25(b) Products; Antimicrobial Products; WPS updates; The Consumer Labeling Initiative; CTAG Updates; and Rodenticide Workgroup and Misuse updates. The inspectors engaged in open discussion on current issues and the ins and outs of conducting comprehensive Producer Establishment Inspections.

Awards were presented to staff of the Virginia Department of Agriculture and Consumer Services (**Marvin Lawson, Don Delorme, Kathy Dictor, Marshall Trammell, and Glenda Mah**) for development of the PKATS System, which is a computerized testing program for pesticide applicators that facilitates the accessibility of certification testing by having the exams administered by the Department

of Motor Vehicles. Throughout the state applicators can take the exams Monday through Friday during normal business hours.

Mark Greenleaf of the DC Department of Health received a similar award for establishing a partnership with the National Capitol Poison Control Center to fast track notification of pesticide poisoning incidents that involve potential misuse violations. They will also work together to develop pesticide information materials for children throughout the DC Metropolitan Area.

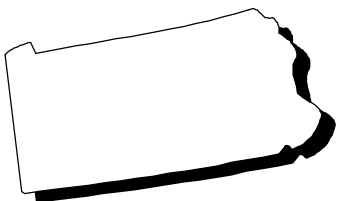
A new award, Investigation of the Year, was given to **Ellis Tinsley** for his work in the delicate case of a boy who may have died due to pesticide overexposure. Finally, the Inspector of the Year award was presented this year to **Albert Davis** of the Maryland Department of Agriculture.

Congratulations to all who were recognized for their achievements this year!

AND NEXT YEAR?????

The results of the survey asking where in PA you want to go next year are in. And the results are... inconclusive. It was a virtual tie among Gettysburg, the Poconos, and Hershey. PDA is already investigating potential locations. Topics that rated high for next year's agenda include Drift, Incident Documentation: Case studies/State presentations, and more Innovations in the Pesticide Industry, which included a strong showing of requests to hear about Genetically Modified Organisms. (We did get the loud and clear message about the quiche, too!)

□□□□□ STATE UPDATES □□□□□



PA - JOE URAM REPORTS

☐ You Never Know
When!!!

During the week of January 17, 2000, several members of the Pennsylvania Department of Agriculture (PDA) staff are planning to fly to sunny California to testify in Federal court on a

nonregistered & adulterated pesticide case.

This case originated when a product was routinely sampled in an EPA Region I state and found to contain no active ingredient, just colored water! Next, we at PDA received an EPA referral from the Philadelphia office to sample the same products at a distributor in our state. We did so and our laboratory came up with the same results as the other state.

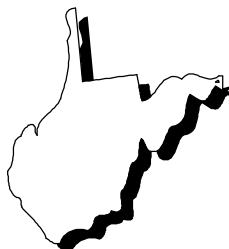
Hopefully, all of our documentation will be complete and thorough for "Show Time" in court, whichever day(s) it will be.

The point here is that you never know when your case will end up in some kind of official hearing, so always make sure you "dot all the i's and cross all the t's". Start any investigation with the attitude that "this case will end up in court and I will do my best very best job again."

You should familiarize yourself with probable statutory requirements that may have been violated before starting the field work. Look at labels of products alleged to have been used at the site, review past inspections reports from the establishment or whatever it takes to fully prepare for the inspection.

Properly identify any exhibits you collect. This means that at a minimum, you should include your initials, date & exhibit number on each item along with the offerer's initials. Some stuff that qualifies as exhibits would include any document you receive from someone interviewed such as contracts, service receipts, shipping papers, correspondence, advertising, invoices, photographs, etc.

Editor's note: Some California and Indiana inspectors were actually willing to come to hazy, hot, and humid Philadelphia last August to testify in a different case of adulterated pesticides! Alas, EPA got their testimony in writing and didn't need to bring them East.



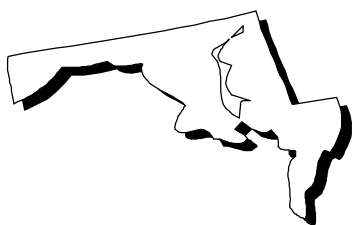
WV - GRANT BISHOP REPORTS

☐ Personnel changes: In September the Pesticide Regulatory Programs Unit lost Pesticide Regulatory Officer Jonathan Loyd to a higher paying

job and in October Alison Marcum resigned for a higher paying job. We have since interviewed seven individuals for the two positions. The positions should be filled by the 15th of December.

❑ *C&T*: The Certification and Training section of the Unit recently approved recertification training credits for use inspections and USDA record keeping inspections. Applicators have expressed the need for more opportunities in obtaining recertification training and we hope to see them pursue this opportunity.

❑ *Outreach*: November 8-11 the WVDA hosted an "Ag Safety Days" that provided training to the agriculture community in WPS, First Aid, CPR, tractor operation and lift truck operation. The program was developed to provide compliance assistance with a wide variety of state and federal laws. There were approximately 350 individuals that attended during the four days.

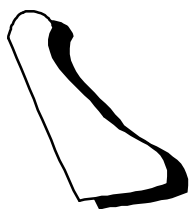


MD - ED CROW REPORTS

❑ *C&T*: Maryland began development of an Aquatic category manual with the U of MD

Cooperative Extension Service

❑ A tip/complaint form can now be found on MD's website. C&T requirements are also outlined there. (All under <http://www.mda.state.md.us>)



DE - DAVID PYNE REPORTS

❑ *SOP rewrite*: DDA has been rewriting the Standard Operating Procedures for collecting samples, as part of the cooperative grant activities.

Todd Lutte and John Smith have provided assistance.

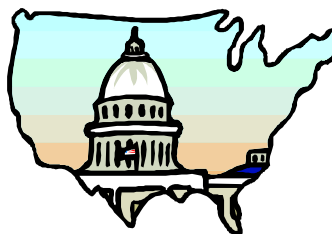
❑ *C&T Rules and Regs*: Category 7 CEU's have been increased from 18 to 36 hours every three years. In addition, Category 7 has been separated into 7 subcategories of pest control, as follows: 7a. General, 7b. Wood destroying, 7c. Fumigation, 7d. Wood preservatives, 7e. Institutional and maintenance, 7f.,

Cooling tower, and 7g. Miscellaneous.

❑ *Changes to Pesticide Law*: Licensing requirements now require one certified applicator to have at least two years practical experience under the supervision of a certified applicator. DDA is now requiring a biennial pesticide registration and business license to reduce the workload of annual renewals.

❑ *Enforcement*: "The usual." Termites, neighbor disputes, spraying in the wind, unlicensed lawn care companies, spray records.

❑ *Urban Initiative Grant*: Delaware received grant money to do some outreach, which has been completed. Also, 50 homes are being sampled for agricultural pesticides. Results are not yet known. Most people selected did not have a pest control company servicing the house.



DC - MARK GREENLEAF REPORTS

❑ *Personnel change*: **Lynette D. Stokes, PhD**, is the new Bureau Chief of

the Hazardous Material and Toxic Substances Division at the DC Department of Health. She replaces Angelo Tompros. Dr. Stokes is a toxicologist, and was previously a Director with the Centers for Disease Control and Prevention.

COMPLIANCE AND ENFORCEMENT ISSUES THAT APPLY TO THE ENDANGERED SPECIES PROGRAM

by Clara Fuentes, PAPEB, EPA Region III

According to the Endangered Species Act (ESA) of 1973, Federal Agencies such as EPA are prohibited from allowing their actions, such as pesticide registrations, to result in the *take* of Federally listed endangered or threatened species. To comply with this Act, EPA's Office of Pesticide Programs has developed an Endangered Species Protection Program. Any applicable pesticide use restrictions are enforceable under FIFRA to the

extent described in county bulletins and pesticide label instructions.

Generally, if a pesticide applicator abides by the label and by county bulletin instructions, he/she will not be pursued. However, if take occurs as a result of following label directions and county bulletins, then EPA is liable. In addition, EPA is liable if take occurs as a result of errors in maps or other aspects of county bulletins.

EPA provides financial assistance in the form of grants to State and Tribal Lead Agencies having the authority to enforce pesticide regulations. Typically, these agencies are the Department of Agriculture or the Department of the Environment. They cooperate with EPA regarding the development and distribution of county bulletins, and the development of State/Tribal Plans, landowners agreements, etc.

Pesticide use limitations developed for the Endangered Species Protection Program can be enforced by EPA under the provisions of FIFRA regarding misbranding and misuse. Also, products that do not carry the required information to protect listed species, will be identified through routine inspections of manufacturing facilities, pesticide distributors, and dealers; or through information received regarding suspected misbranding. Pesticide misuse can be identified similarly through routine inspections and information provided regarding alleged misuse.

Provisions for exemptions in the ESA and EPA's Program

*Section 10(a) of the ESA lists exemptions that the Forestry and Wildlife Services may make to Section 9 (prohibited acts) such as: a) for scientific purposes or for enhancing the propagation, or the survival, of the affected species (breeding for pet purposes or keeping is not permitted), and b) incidental taking while carrying out a lawful activity.

*Section 10(b) of the ESA continues the list of potential exemptions by including provisions for undue economic hardship. Exemptions are provided in Section 10(e) for the taking of species if done primarily for subsistence purposes in a non-wasteful

manner.

*All indoor uses of pesticides are exempt from the requirements of the ESA. There are also provisions for exemptions due to public health emergencies.

*Previously proposed exemptions for outdoor home and garden use have been canceled. Limitations on outdoor home use products will only be necessary on uses of a product that specifically have been determined to jeopardize listed species.

*Section 11 of the ESA provides exemption for acts of self defense.

For more information on the ESA and other environmental legislation, see <http://www.nrdc.org/field/state.html>

CHESAPEAKE BAY PROGRAM MEETS IPM GOAL

by Eric J. Maurer, Chesapeake Bay Program Office, EPA Region III

The 1994 Toxics Chesapeake Bay Basinwide Toxics Reduction and Prevention Strategy outlined several goals to ensure impacts to the bay as a result of pesticide usage would be negligible. One of those goals is implementation of IPM on 75 percent of agricultural lands by 2000. IPM is defined as a sustainable approach which combines the use of biological, cultural, physical, and chemical tactics in a way that minimizes economic, health, and environmental risks. The Pesticide Workgroup (workgroup) of the Toxics Subcommittee is charged with carrying out these goals. Workgroup Members and many others participate in efforts to encourage the implementation of IPM techniques.

Applicator recertification presentations and Cooperative Extension scouting



reports are just two of the ways farmers learn about IPM.

How, then, do we find out if the Chesapeake Bay Goal has been reached? To determine the current level of IPM adoption within the watershed, the workgroup determined it was necessary to develop and distribute a survey. Current estimates of IPM were state specific and did not allow the workgroup to develop a watershed estimate. Additionally, the estimates only focused on a minimal number of IPM practices which did not provide an adequate profile of IPM adoption.

The workgroup decided to survey the four major crops grown within the watershed; corn, soybeans, alfalfa, and small grains since these crops represent approximately 70 percent of all cropland grown within the watershed. The survey was distributed at pesticide applicator recertification meetings which are held during the fall and winter months. (In some cases, a recertification credit was granted for completing and returning the survey.) Since the survey was completed for the 1997 and 1998 growing seasons, the workgroup felt a reliable, statistically significant sample would be attained.

Although the definition of IPM seems relatively concrete, there are varying levels of IPM adoption. Considering the number of IPM techniques, a grower could practice any number of them and qualify as practicing IPM. Thus, it was difficult to determine which practices, or combination of practices, would qualify a particular grower as a steward of IPM.

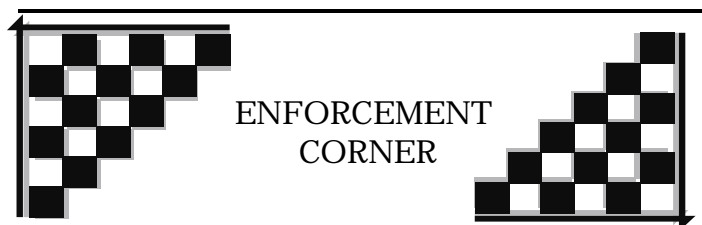
Based on several conversations with IPM experts, it was decided that for a grower to be considered practicing IPM, it was necessary for them to utilize at least two IPM practices, scouting and the utilization of economic thresholds. Scouting involves going out into the field to determine if a given pest is becoming too prevalent. The economic threshold is the point where the cost of letting a pest go untreated exceeds that of the cost associated with applying a control.

If these two IPM techniques were practiced, the grower was considered to be practicing IPM. Based on this definition, 79 percent of the surveyed

acreage was under IPM in 1998 which exceeds the goal by nearly five percent. Although these were the only two practices identified for purposes of this exercise, there were several other IPM techniques tracked in the survey.

Some of the practices and the percent of growers that adopted them include managing weeds in borders (79 percent), rotating crops to reduce pests (77 percent), utilizing spot treatments instead of treating the whole field (75 percent), and using pesticides with different modes of action to decrease pest resistance (72 percent)

Developing, distributing, and tallying the results of this survey was quite an endeavor for the pesticide workgroup of the Toxics Subcommittee. Up until this point, a watershed wide IPM estimate was not available. Not only do the results provide us with data to determine the level of IPM within the Chesapeake Bay watershed, it also enables IPM educators to target deficient areas to increase the level of IPM adoption.



Connecticut Attorney General to Sue Terminix (AP)

In November, the CT Attorney General announced plans to bring a lawsuit against Terminix, seeking fines for more than 5,000 alleged violations of CT pesticides laws. The alleged violations include misuse, falsifications of records, and refusing access by state inspectors. Terminix notes that it has already paid fines for some violations, and refutes the quantity of alleged violations.

The state has revoked Terminix' license in three of four state offices, but all offices continue to operate pending ruling on an appeal of this action. In addition, the state terminated its own contract with Terminix to treat state buildings.

Administrative Complaints

Rohm & Haas (Philadelphia, PA) - This was Region III's first FIFRA "self disclosure" case for sale and distribution of an over formulated herbicide, "Goal". An initial penalty of \$35,000.00 was reduced by 75% to \$8,875.00. Inspector - **Jim Hudson**, PDA, Region VII

Sanis (Culpepper, VA) - The company was issued a penalty of \$16,500.00 for the sale and distribution of an unregistered pesticide used to treat feminine hygiene waste products. Inspector - **Robert Morris**, VDACS.

Sterilex, Inc. (Baltimore, MD) - The company agreed to pay a \$5000.00 penalty for sale and distribution of an unregistered pesticide used in food processing establishments. Inspectors - **Albert Davis** and **Ellis Tinsley**, MDA.

E.C. Geiger (Harleysville, PA) - The company agreed to pay a penalty of \$18,000.00 for sale and distribution of an unregistered pesticide, "Harmodin #1, #2, & #3". Inspector - **Philip Stoudt**, PDA Region VII.

Stop Sale, Use or Removal Orders

Ecosystems Distributing, LLC, Ellicott City, MD and **Star Lab**, Phoenix, AZ - The Order compels both companies to immediately discontinue sales of The Natural Hot Tub and The Natural Purge & Detox until such products are properly registered with EPA pursuant to FIFRA and labeled accordingly. These two products are of particular concern because advertising materials promote The Natural Hot Tub and The Natural Purge & Detox to be used for controlling pathogenic germs and viruses in spas and hot tubs. Inspector - **Chad Harsh**, EPA

Notices of Warning

Doss Givens Heartland, Inc. (Seaford, DE) - On September 30, 1999 the Region issued Notices of Warning to labor contractors **Jimmie and Eddie Foster of Foster**

Brothers Harvesting located in Leesburg, Florida, and fruit broker Doss Givens of Heartland, Inc. of Seaford, Delaware for violations of the Worker Protection Standard. The workers were permitted to enter into a treated area for which the REI had not expired. Additional violations related to WPS safety training, decontamination sites, notice of pesticide applications, and display of pesticide safety and application information were also cited. Inspector - **Albert Davis**, MDA. (The pesticide application site was in MD.)

Birsch Industries, Inc. (Norfolk, VA) The company produced and sold an unregistered product. They did not have a supplemental distributor registration that allowed them to package and sell the product under their name. Inspector - **Gary Young**, VDACS

CertainTeed Corporation (Valley Forge, PA) the company produced an antibacterial duct lining making pesticidal claims. Inspector - **Jim Hudson** PDA, Region VII

Turf Chemicals Plus (Manheim, PA) The company sold or distributed the product ARHIZO-ROOT 2000" which is not properly registered under Section 3 of FIFRA. Promotional materials for the product claimed it could control soil-born plant pathogens. Inspector - **Len Brylewsky**, PDA, Region VI

Section 7 Establishment Actions In the second half of FY '99, EPA took action against several companies for reporting violation under the Section 7 program. Notices of Warning are typically issued to first time violators. Repeat violators are issued Administrative Complaints, which are accompanied by a monetary penalty.

Section 7 Complaints for '98 Reporting Violations

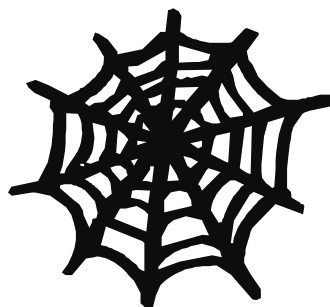
MD: Blind Industries & Services (Baltimore)

PA: Koch's Farm Supply, Inc (Tamaqua)
Ridgway Industries (Upper Darby)
Penn Champ Inc. (East Butler)

Stanly Auen (Saltsburg)
 Topp Construction Services, Inc. (Media)
 Moyer & Son, Inc. (Souderton)
VA: Descal-A-Matic (Norfolk)
 Palm Pools Corporation (Woodbridge)

Section 7 NOWs for '98 Reporting Violations

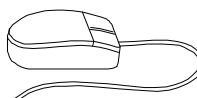
DE: Southern States Cooperative (Milford)
MD: Mid-Atlantic Plumbing & Water (Riva)
 Farm & Home Service (Sykesville)
 Yonar Laboratories, Inc. (Baltimore)
PA: Lerro Soaps & Chemicals (Philadelphia)
 Victory Chemical Company (Philadelphia)
 Elf Atochem North America (King of Prussia)
 M.A. Bruder & Sons, Inc. (Philadelphia)
 Namico, Inc. (Philadelphia)
 Val Chem Company, Inc. (Sagre)
 Moyer's Agway, Inc. (Middleburg)
 Ag-Chem, Inc. (Leola)
 D.E. Horn & Company of Red Lion (Red Lion)
 Aqua Treatment Service (Mechanicsburg)
 Boyer Construction & Pool (Millersburg)
 Mary Anne O'Neil (East Stroudsburg)
 Barnacle Ban Corporation (Pittsburgh)
 J&B Blending & Tech (Carnegie)
 Particle Sciences, Inc. (Bethlehem)
 Plant Health Care, Inc. (Pittsburgh)
VA: Auto-Chlor System of North America (Norfolk)
 Auto-Chlor System of North America (Springfield)
 Southern States Cooperative, Inc. (Burkeville)
 Baker Petrolite Corporation (Roanoke)
 Ag-Suppliers, Inc. (Newsoms)
 Griffin Agri-Services, Inc. (Suffolk)
 Greenstone Industries, Inc. (Elkwood)
 Chemetech, Inc. (Radford)
 New River Valley Workshop (Radford)
 Qualichem, Inc. (Roanoke)
WV: Willert Home Products, Inc. (Kenova)



WEB NEWS

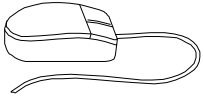
IPM RESEARCH SUMMARY FOR THE NORTHEAST

(From Ed Rajotte, Penn State IPM Coordinator)
 There is a new supplement,
<http://www.nysaes.cornell.edu:80/ipmnet/rep/criss99/toc.html>,
 to the Cooperative Research Information Service (CRIS) database, <http://cristel.nal.usda.gov>.
 Karen English-Loeb (kje7@nysaes.cornell.edu) of the IPM program at Cornell has compiled a database of IPM research in the Northeast USDA region. You can sort by state, PI or crop. "Much of the IPM research undertaken by Land Grant Universities and other government agencies is detailed in the USDA's CRIS database. As a supplement to the database, we searched for reports from IPM and related projects in the Northeast Region with the fiscal years of 1998 or 1999. The resulting pages are intended to provide a quick overview of the project reports in the CRIS database."



NEW BIOTECHNOLOGY WEB SITE FROM USDA

The new site offers answers to some of the most frequently asked biotechnological questions along with recent speeches by Secretary Glickman on agricultural biotechnology. The site also includes pages on biotechnology and trade, regulations, and research. It will be updated regularly as new reports and information are released by USDA. Links to many of the other government agencies involved in biotechnology are provided. The new biotechnology website can be accessed at <http://www.aphis.usda.gov/biotechnology/>

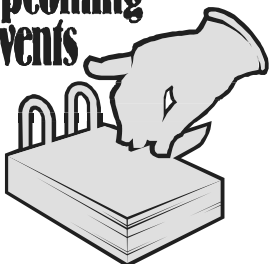


OTHER INTERESTING SITES

- OECA publishes comprehensive information on compliance assistance strategies to help American industries to improve their compliance record: <http://es.inel.gov/comply/sector/index.html>
- The AAPCO website has posted a summary of the bee protection session which took place as part of the AAPCO meeting in Omaha in August, 1999: <http://www.aapco.ceris.purdue.edu/index.html>
- EPA website address pertaining to air duct cleaning issues: <http://www.epa.gov/ag/airduct.html>
- Website to link to U.S. Corporation records online: <http://w3.uwyo.edu/~prospect/secstate.html>
- Public records database: <http://www.pac.info.com/general/home.html>
- Office of Science Coordination and Policy: <http://www.epa.gov/scipoly>
- Information on rodent control: <http://www.epa.gov/pesticides/ppdc/rodent>
- Executive summary of "The FQPA: A challenge for Science Policy and Pesticide Regulation" is on: www.cast-science.org/fcpa.htm
- Website for Groundwater guidances and reports: <http://www.epa.gov/superfund/resources/gwdocs/index.htm>
- National Pesticide Telecommunication Network (NPTN): <http://ace.orst.edu/info/nptn>
- For information, resources, and technical assistance to small business: <http://www.epa.gov/smallbusiness>
- For information on Association of American Pest Control Officials, Inc. (AAPCO) or SFREG: <http://aapco.ceris.purdue.edu/doc>
- State Pesticide Regulatory Agencies: <http://ace.orst.edu/info/nptn/statel.htm>

Upcoming Events

December 13, 1999



Management Transition:

Harry Daw assumes duties as PAPEB Chief

February 14-18, 2000 PIRT Course: WPS/Pesticide Use Enforcement, Florida

May 21-25, 2000 PREP Course: Compliance Management Combo, UC Davis

December 20, 1999 Comments due to EPA on container rule proposal

Contributions to this edition of FIFRAgram were made by Lisa Donahue (editor), the Associated Press, Clara Fuentes, Magda Rodriguez-Hunt, Todd Lutte, Chad Harsh, Eric Maurer, and Joe Uram. As usual, the editor welcomes guest contributions.

If there are any questions or comments related to this issue, please forward them to:

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FIFRAgram is a publication of EPA Region III primarily for pesticide program staff and inspectors in Region III states (DC, DE, MD, PA, VA and WV).



Reminder: Articles and pictures are very welcome contributions to the FIFRAgram. Please contact the editor.

